

**REMARKS AND ARGUMENTS**

*STATUS OF THE APPLICATION*

The application was filed on March 29, 2001, claiming the benefit of a prior provisional application filed on March 29, 2000. A first Office Action was mailed on January 30, 2004. In approximately March of 2004, it was discovered by Applicant during a routine status check that an office action had been issued, but was believed to have been either not received or misplaced by Applicant. Applicant subsequently contacted the Examiner towards requesting a duplicate copy of the Office Action. A duplicate Office Action was then issued, bearing a new mailing date of April 15, 2004. It has since been determined that the originally-issued copy of the Office Action was timely received by Applicant and misfiled due to inadvertent clerical error. Thus, Applicant ultimately received duplicate office actions bearing different mailing dates.

Applicant sincerely thanks the Examiner for his courtesy in forwarding a duplicate copy of the Office Action. To resolve any ambiguity that may exist as a result of the issuance of duplicate office actions bearing different mailing dates, and out of an abundance of caution, Applicant regards the earliest mailing date of January 30, 2004, as the effective and exclusive mailing date of the First Office Action in connection with this application, for purposes including the calculation of deadlines to respond to same, as well as the Request for Extension of Time required by this Amendment and Communication.

Claims 1-10 and 12-19 are presently pending in the application, each standing rejected in view of prior art cited in the Office Action mailed January 30, 2004. Applicant respectfully traverses the substantive bases for rejection of the claims.

*REMARKS*

The claims have been amended to clarify the scope of the invention, to distinguish the invention over the prior art and to place the application, as a whole, into a *prima facie* condition for allowance. Care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

*Claim Rejections Under 35 U.S.C. 102*

Claims 1, 2, 5, 6 and 12 stand rejected under 35 U.S.C. 102(e), as being purportedly anticipated by *Beukema et al.*, U.S. Patent No. 6,128,510. Applicant respectfully traverses the Office Action's substantive bases for rejection of the claims.

*Beukema et al.* discloses a cordless telephone system including a base unit connected to a telephone line, and remote units capable of communicating with the base unit via a wireless communication link. The remote units can transmit and receive audio signals for implementing conventional telephony applications, including communication of voice signals as well as the output of a phone line computer data/fax modem.

*Beukema et al.* is directed specifically to the operation of the base unit and remote units to alter the characteristics of the wireless communication protocol to optimize the protocol for communication of voice signals or data/fax modem signals,

depending upon the type of call being conducted. For example, the base and remote units (1) alter the frequency deviation used to frequency-modulate the baseband signal based upon the signal type (*i.e.* voice or modem) (*see, e.g., Beukema et al., 8:11-20*); (2) alter the bandwidth of the receiver predetection filter to optimize filtering for the active signal type (*i.e.* voice or modem) (*see, e.g., Beukema et al., 5:41-47, 8:11-20*); and (3) switch a compander into the signal path for voice communications while removing the compander from the signal path while a data/fax modem signal is being communicated (*see, e.g., Beukema et al., 7:64-8:4*).

Applicant submits that Claim 1 as originally filed clearly required that the cordless telephone handset and the digital electronic device each communicate with the first transceiver via a common communications protocol. However, to remove any ambiguity that may have existed, Claim 1 has been amended to further clarify the use of a common protocol for both voice and data communications.

*Beukema et al.* does not anticipate claim 1 because *Beukema et al.* does not use the same communications protocol for both voice and modem communications, but rather varies the characteristics of the RF link based upon the type of signal being communicated. As discussed above, *Beukema et al.* employs different signaling characteristics including peak frequency deviation, predetect filter bandwidth and compander activity, for modem communications as compared to voice communications. By contrast, claim 1 requires that both voice and data communications take place using a common communications protocol.

*Beukema et al.* also fails to anticipate Claim 1 because Claim 1 requires that the digital electronic device communicates digital data other than that required for voice telephony with the base unit. Even when *Beukema et al.* is used for communications with the personal computer, it primarily conveys an FM-modulated analog audio signal of the sort that is used for voice telephony. To the extent *Beukema et al.* discloses the communication of digital signals (*e.g.* control signals described at col. 6 lines 50-58), it discloses only OFFHOOK, ONHOOK, RING, DIAL TONE, and TONE signals – precisely the types of control signals required for conducting conventional telephony. By contrast, Claim 1 requires the communication of digital signals above and beyond those required for telephony applications towards using the cordless telephone base unit and cordless telephone communications protocol to implement a wireless network for data communications.

For at least these reasons, Claim 1 is not anticipated by *Beukema et al.*

Claims 2, 5, 6 and 12 are dependent claims, each of which ultimately depends from Claim 1. Therefore, inasmuch as Claim 1 is not anticipated by *Beukema et al.*, Claims 2, 5, 6 and 12 cannot be anticipated.

Additionally, claims 5 and 6 require that the computer or digital electronic device, respectively, is comprised of a microphone for audio input and an audio output, and voice data is routed between the computer/device microphone and audio output and the base unit telephone line interface, via the third transceiver and the first transceiver, to conduct voice telephony. Essentially, Claims 5 and 6 address the use of a digital

electronic device, which uses the cordless base wireless network for data networking, to also implement cordless telephony using the cordless base unit.

The Office Action claims that *Beukema* teaches the limitations of claims 5 and 6, including a computer or device with microphone for audio input and an audio output, citing Figure 5 nos. 33, 38, 40 and 62, and col. 5 lines 1-29 of the specification. The portions of *Beukema et al.* cited against claims 5 and 6 address a remote unit that is capable of being connected to two separate devices: (1) a PC with data/fax modem; and (2) a telephone handset. (*See, e.g.,* Fig. 5, computer system 37 illustrated independently from voice handset & keypad 39; col. 5 lines 1-6.) Moreover, the remote unit selects one of the two audio inputs at a time. (Col. 5 lines 9-11 ("In the preferred embodiment, an audio interface 38 connects to either a data/fax modem and PC 37 or to a voice handset 39." (emphasis added)).) Thus, *Beukema et al.* describes a remote unit that provides a cordless interface to two separate devices, one of which conveys data/fax modem audio signals to and from the base unit, the other conveying voice audio signals to and from the base unit.

By contrast, the invention of claims 5 and 6 contemplate implementation of bidirectional voice communications using the personal computer or the digital device itself. Claim 5 requires a computer comprising a microphone to receive voice telephony audio signals, and a computer comprising a speaker to emit voice telephone audio signals. Claim 6 requires a digital electronic device comprising a microphone to receive voice telephony audio signals, and a digital electronic device comprising a speaker to

emit voice telephone audio signals. Neither Figure 5 of *Beukema et al.* nor the accompanying text contemplates such implementations. Rather, only the separate cordless handset features a microphone and speaker.

Applicant submits that the only portion of *Beukema et al.* that may be relevant to the invention of claims 5 and 6 is Col. 8 lines 45-49 and Figure 9B; which merely states that, "FIG. 9B shows a third embodiment of the invention where a [sic] the base unit 34 communicates with a combination data/voice unit 132. In this case, a remote unit connected to a modem allows telephony functions through a speaker in the PC." However, Figure 9B of *Beukema et al.* does not show any interconnection between data/voice unit 132 and a computer. *Beukema et al.* provides no disclosure of how voice data would be routed in such an implementation. *Beukema et al.* also provides no disclosure of a microphone within the (unillustrated) computer; rather, only a speaker is disclosed, in a vague text reference, apparently providing only for audio monitoring of the telephone line by the computer rather than bidirectional voice communications. Indeed, the text may be referring to the speaker that is commonly provided within data/fax modems, which allow for monitoring of audio signaling on the telephone line. Lacking any disclosure whatsoever of various specific limitations within claims 5 and 6, *Beukema et al.* cannot anticipate those claims.

Claim 12 requires that the base unit, cordless telephone handset and digital electronic device are each associated with a unique identification number. The Office Action contends that *Beukema et al.* "inherently teaches that the base unit, cordless

telephone handset and digital electronic device are each associated with a unique device identification number." (Office Action of 1/30/04 at 4.) Applicant respectfully submits that Office Action does not carry its burden of demonstrating the inherency of the limitation of claim 12, nor is that limitation inherent in the disclosure of *Beukema et al.*

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

Applicant respectfully submits that the Office Action fails to supply any basis for the inherent disclosure of unique device identification numbers in *Beukema et al.* As explained above, an inherency rejection cannot be sustained without a reasonable basis for why the disclosure of the claimed limitation is inherent in the prior art.

Applicant further submits that such disclosure is not at all inherent. *Beukema et al.* discloses a cordless communication system in which only a single wireless communication link is supported at any given time, the characteristics of which can be varied to suit the type of audio signal being communicated (*i.e.* voice or data/fax modem output). (*See, e.g., Beukema et al., 5:9-11* ("audio interface 38 connects to either a data/fax modem and PC 37 or to a voice handset 39" (emphasis added)); Figure 6 (base unit transceiver demodulates one RX carrier and modulates one TX carrier to support a single full-duplex FM audio communication link ).) *Beukema et al.* fails to disclose any capability for communication between remote units, routing of command or control data between remote units, or simultaneous communication between multiple remote units and the base unit. Applicant submits that in such a system, it is not at all inherent that the base unit, cordless handset and digital electronic device are each associated with a unique device identification number.

In view of the foregoing, Applicant respectfully submits that the Examiner's bases for rejection of Claims 1, 2, 5, 6 and 12 under 35 U.S.C. 102(e), should be deemed overcome, and reconsideration and withdrawal of same are respectfully requested.

*Claim Rejections Under 35 U.S.C. 103*

Claims 3 and 4 stand rejected under 35 U.S.C. 103(a) are being purportedly obvious over *Beukema et al.* in view of *Huang*, U.S. Patent No. 6,675,027. Applicant respectfully traverses the Examiner's substantive bases for rejection of the claims.

*Huang* discloses a personal mobile computing device having a particular configuration of one or more microphones in order to improve the audio quality with which speech is detected by the microphone(s). (*Huang*, 2:19-30.) The mobile device can be a cellular or digital wireless telephone, a PDA or a portable handheld computer. (*Huang*, 2:31-34, 3:9-14.) The mobile device can be adapted for communication with a "wireless transport", which is described as "a paging network, cellular digital packet data (CDPD), FM-sideband, or other suitable wireless communications." (*Huang*, 3:3-5.) *Huang* provides no detailed disclosure of the structure or operation of any wireless base unit.

Claim 3 depends from Claim 1, and further requires that the digital electronic device is a personal digital assistant. As discussed above in connection with Claim 1, *Beukema et al.* does not disclose the use of a common communication protocol by both a cordless telephone and a separate digital electronic device, to convey data other than that required for conventional telephony, to and from a cordless base unit. Likewise, *Huang* also does not disclose the use of a common communication protocol by both a cordless telephone and a separate digital electronic device to convey data other than that required for conventional telephony, to and from a cordless base unit. Indeed,

Applicant submits that *Huang* does not address communication with a cordless telephone system at all, but rather contemplates communications using wide-area systems such as cellular or paging systems.

Claim 3 is also not obvious in view of *Beukema et al.* and *Huang* because neither reference discloses the use of a cordless telephone base station as the hub of a wireless network for both voice (i.e. audio) and non-voice communications. Both of the applied references are primarily directed to the transmission of audible signals (whether representative of speech or the audible analog output of a data/fax modem). By contrast, the invention of Applicant's Claim 3 provides increased flexibility and functionality by providing both voice (i.e. audio) communications between a first and a second transceiver, and non-voice digital data communications between the first and the third transceivers – all using a common cordless telephone communications protocol.

Claim 3 is also not obvious in view of *Beukema et al.* and *Huang* because there is no motivation to combine the teachings of *Huang* with *Beukema et al.* In order for a claim to be obvious in view of multiple prior art references, there must be a motivation to combine the references that is found in the prior art – not in Applicant's disclosure.

*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Moreover, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references

are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 813, 123 USPQ 349, 352 (CCPA 1959).

In this case, the Office Action contends that, "it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Huang into the system of Beukema so that the personal digital assistant can be controlled by the cordless base station." However, there is no motivation in the cited prior art to interface a personal digital assistant with a cordless telephone base station – particularly for purposes of implementing non-audio data communications. *Huang* is not directed to the cordless telephone environment of *Buekema et al.* Furthermore, *Buekema et al.* is directed towards the use of a data/fax modem over a cordless telephone system. However, the PDA of *Huang* does not feature a data/fax modem, nor is a data/fax modem a common feature in a PDA.

Thus, there exists no motivation to combine the teachings of *Beukema et al.* with *Huang* to achieve Applicant's invention of Claim 3. Furthermore, even if such motivation existed, the combined references still fail to disclose or suggest each and every element of Claim 3.

Claim 4 depends from Claim 3, and further requires that the personal digital assistant is comprised of an audio input and an audio output, and voice data is routed between the personal digital assistant audio input and output and the base unit telephone line interface, via the third transceiver and the first transceiver, to conduct

voice telephony. Inasmuch as Claim 4 depends from non obvious Claim 3, Claim 4 is also not obvious.

In view of the foregoing, Applicant respectfully submits that the Examiner's bases for rejection of Claims 3 and 4 under 35 U.S.C. 103, should be deemed overcome, and reconsideration and withdrawal of same are respectfully requested.

Claims 7, 8, 9, 10, 11, 16, 17 and 18 stand rejected under 35 U.S.C. 103 as being purportedly obvious over *Beukema et al.* in view of *Sumner*, U.S. Patent No. 6,091,947. Applicant respectfully traverses the Office Action's substantive bases for rejection of the claims.

*Sumner* discloses a mobile telephone system that, upon receipt of a call, evaluates the available transmission rate between the mobile phone base station and the mobile phone. When the link conditions are such that a call cannot be conducted normally, the caller is diverted to a voicemail account associated with the mobile telephone. The system may then be able to forward a stored message to the mobile telephone, despite link conditions being inadequate for conducting a normal telephone conversation.

Claim 7 depends from claim 1, and further requires that the base unit comprises a second communications port through which the microprocessor communicates with a digital communications network, whereby digital data communications can occur between the digital communications network and the digital electronic device. While Applicant submits that Claim 7 as originally filed clearly recited a second

communications port to a digital network that is separate and apart from the telephone line interface of parent Claim 1, Claim 7 is presently amended to remove any ambiguity that may have existed as to the distinction between the second communications port and the telephone line interface.

The Office Action concedes that *Beukema et al.* fails to teach the further limitations recited in claim 7, but contends that *Sumner* discloses the claimed communications port to a second network, citing Figure 1 reference 104, and column 3 lines 24-46. While *Sumner* discloses that the network to which the base unit can be connected may be a digital communications network, *Sumner* provides for interconnection with a single network. By contrast, the invention of Claim 7 requires that the base unit have both a telephone line interface and a second communications port for a separate digital communications network.

Thus, neither *Sumner* nor *Beukema et al.* disclose or suggest a cordless telephone base unit capable of interconnection with two separate communications networks. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Because the combination of *Beukema et al.* and *Sumner* fails to teach or suggest each and every element of Claim 7, Claim 7 cannot be obvious.

Claims 8 and 9 are dependent upon Claim 7. To the extent that Claim 7 is nonobvious, Claims 8 and 9 are likewise inherently nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claim 10 is dependent upon Claim 1, and further requires that the base unit is comprised of an analog data modem capable of communicating data from the base unit microprocessor to a second digital communications network through the telephone line interface. The Office Action concedes that neither *Sumner* nor *Beukema et al.* teaches the claimed base unit with analog data modem, but takes "Official Notice" that an analog modem is purportedly "known in the art for communicating data from the base unit processor to a second digital communication network."

While Applicant recognizes that analog data modems are certainly known in the art, Applicant respectfully submits that the cordless telephone base unit which includes an analog data modem, as claimed by Claim 10, is not at all common knowledge in the art. Indeed, the cited prior art itself (namely, *Beukema et al.*) illustrates that such modems are conventionally connected to a device such as a computer, rather than integrated with a cordless telephone base unit as required by Claim 10. Thus, Applicant hereby traverses the Official Notice upon which the Office Action relies, and respectfully requests that the Examiner either reconsider and rescind the basis for rejection of Claim 10, or provide documentary evidence supporting the Official Notice in the next Office Action.

As Applicant has cancelled Claim 11, the Office Action's substantive bases for rejection of Claim 11 are now moot. Reconsideration and withdrawal of the rejection of Claim 11 is respectfully solicited.

Claim 16 depends from Claim 7, and further requires that the first wireless transceiver communicates voice data with the second transceiver while simultaneously communicating non-voice data with the third transceiver. Claim 16 has been amended to more clearly set forth the meaning of the term "voice data" as being "data representative of an audio signal and control data appurtenant to the communication of data representative of an audio signal."

The Office Action contends that the combination of *Beukema et al.* and *Sumner* teaches the further limitations of Claim 16, citing *Beukema et al.*, Figure 4, 4:49-67, and 6:3-49. Applicant respectfully submits that Figure 4 merely indicates that the system of *Beukema et al.* is capable of communications with a first remote unit that is a cordless handset, and a second remote unit that communicates the audio output of a data/fax modem. However, the system of *Beukema et al.* only provides for the communication of audio signals. (*See, e.g., Beukema et al.* Figure 5 ("audio interface 38"; "audio signal out 40"; "audio signal in 62"); Figure 6 ("DAA/Audio Interface 86"; "Audio Signal In 84"; "Audio Signal Out").)

Additionally, *Beukema et al.* does not provide for the simultaneous communication of both voice and non-voice data between the base unit transceiver and multiple remote transceivers. Indeed, a portion of *Beukema et al.* cited in the Office Action explains that the system disclosed "allows the user the convenience and freedom of using both, though not concurrently, a PC modem 32 as well as a cordless phone 33 within the range of the same cordless base unit 34." (Col. 4 lines 62-64 (emphasis

added).) The only portion of *Beukema et al.* that even suggests any sort of simultaneous communication is Column 6 lines 10-11. However, the entirety of the disclosure consists of the following sentence, which as a whole, teaches away from simultaneous communication of any sort: "If a modem session is in progress, the phone is disabled (although, simultaneous voice and data may be possible based on the modem and software choice)." Simply put, this sentence provides no disclosure of how such simultaneous communication would be implemented. Furthermore, *Beukema et al.* provides no suggestion that the simultaneous communication would involve first, second and third transceivers, as required by Claim 16 – as opposed to a second transceiver simultaneously communicating both voice and modem signals to a first transceiver. It still involves only the transmission of audio signals, rather than the digital data communications required by Claim 16. In sum, *Beukema et al.* fails to provide any disclosure of the limitations of Claim 16, much less an enabling disclosure or a disclosure sufficient to provide a reasonable expectation of success, as is required under 35 U.S.C. 103.

Finally, in addition to the above reasons, Claim 16 is also inherently nonobvious to the extent that it depends from nonobvious Claim 7.

Claim 17 depends from Claim 16. Therefore, for at least the reasons Claim 16 is nonobvious, Claim 17 is also nonobvious.

As amended, Claim 18 depends from Claim 1, and further requires that the base unit is comprised of means for communicating digital data with a digital data

communications network, and an email client that receives email from and transmits email to the digital data communications network via the means for communicating digital data. Claim 18 has been amended to incorporate the limitation of Claim 11, from which Claim 18 previously depended, and to clarify the network interaction of the email client.

The Office Action claims that the combination of *Beukema et al.* and *Sumner* inherently teaches a base unit comprised of an email client that receives email from and transmits email to the second digital communications network via the base unit communications port since email can be transmitted or received through the Internet connection.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably

support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

Applicant respectfully submits that neither *Beukema et al.* nor *Sumner* discloses or even suggests, expressly or inherently, the incorporation of an email client in a cordless telephone base unit. Indeed, it appears that neither *Beukema et al.* nor *Sumner* addresses the transmission of email at all. Applicant further submits that the incorporation of an email client in a base unit – as required by both original and currently amended Claim 18 – is not inherently required in order for a device to transmit or receive email. Rather, an email client could be implemented on an end user's remote device, with a base unit serving merely as a conduit for the required data communications.

To the extent PC 30 of *Beukema et al.* might theoretically be used to transmit email, Applicant submits that such an implementation would inherently require that the email client be implemented on PC 30 – not within the cordless base – because at the point the computer output in *Beukema et al.* reaches the base unit, it has already been converted to a modulated audio signal by data/fax modem 36 for transmission on a phone line. Base unit 34 (illustrated in Figure 6 of *Beukema et al.*) contains no corresponding data/fax modem that would enable it to decode or encode modem signals to communicate with PC 30 via data/fax modem 36. Rather, base unit 34

merely serves as a conduit to convey the data/fax modem audio signaling between data/fax modem 36 and the telephone line.

Thus, Applicant respectfully submits that the incorporation of an email client in a base unit required by Claim 18 is not at all inherent in the combination of *Beukema et al.* and *Sumner*.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being purportedly obvious over *Beukema et al.* in view of *Kim et al.*, U.S. Patent No. 5,420,577. Claim 13 is dependent upon Claims 12 and 1, both of which are nonobvious. Therefore, Claim 13 is necessarily likewise nonobvious.

Claim 14 stands rejected under 35 U.S.C. 103(a) as being purportedly obvious over *Beukema et al.* in view of *Yuen*, U.S. Patent No. 6,662,007. Claim 14 is dependent upon Claim 1, further requiring that the digital electronic device is further comprised of a video display circuit that provides a video signal to a telephone set indicative of data received by the third transceiver. Claim 14 is currently the subject of a minor amendment to correct a grammatical informality present in the original claim language.

*Yuen* discloses an interactive television system that includes circuitry capable of interfacing with a cordless telephone base unit and generating DTMF signaling, whereby the circuit can place a telephone call over the cordless telephone system and generate further DTMF signals to, for example, convey a purchase order for a pay-per-view event.

However, the system in *Yuen* merely provides the capability for a device other than a telephone (e.g. a television controller) to place telephone calls over a cordless telephone system. In this way, *Yuen* is very similar to *Beukema et al.*, except that a television controller is placing a call in *Yuen* whereas a PC with data/fax modem can place a call in *Beukema et al.* However, in both cases, the cordless base unit is merely being used to place a telephone call – a conventional telephony application. By contrast, Applicant's claimed invention requires that a digital electronic device includes a third wireless transceiver that communicates digital data other than that required for voice telephony with the first transceiver. This feature is not provided by *Beukema et al.* or *Yuen*. Thus, Applicant respectfully submits that Claim 14 should be deemed patentable over the cited references.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being purportedly obvious over *Beukema et al.* in view of *Yuen* and in further view of *Huang*. Claim 15 is dependent upon Claim 1, and further requires that the digital electronic device is a portable display tablet further comprised of a flat-panel LCD display screen, and a video driver circuit that displays data received from the third transceiver on the LCD display screen.

However, none of *Beukema et al.*, *Yuen* and *Huang* disclose the use of a cordless telephone base station as the hub of a wireless network for both audio and data communications, as claimed. *Beukema et al.* and *Yuen* merely use the cordless telephone base unit for its conventional purpose – to place telephone calls to the public

switched telephone network. *Huang* is not directed to a cordless telephone environment at all, but rather addresses primarily the configuration and operation of a mobile telephone handset – without addressing structural and operational details of the wireless infrastructure that are required by Applicant's claims.

For the same reasons described above in reference to Claim 3, there also exists no motivation to combine the teachings of *Huang* with either *Beukema et al.* or *Yuen*. Without such motivation, the invention of Claim 15 cannot be deemed obvious. Moreover, regardless of whether there is motivation to combine, the cited references still fail to disclose each and every element of Claim 15.

Claim 19 stands rejected under 35 U.S.C. 103(a) as being purportedly obvious over *Beukema et al.* in view of *Sumner* and in further view of *Reeds*, U.S. Patent No. 5,172,414. Claim 19 is dependent upon Claim 7, and the base unit is further comprised of a first encryption key for encrypting data transmitted to the digital electronic device, and a second encryption key for encrypting data transmitted to the second communications network. Inasmuch as Claim 19 is dependent upon nonobvious Claim 7, Claim 19 is likewise nonobvious.

In view of the foregoing, Applicant respectfully submits that the Office Action's bases for rejection of Claims 3, 4, 7-10 and 13-19 under 35 U.S.C. 103, should be deemed overcome, and reconsideration and withdrawal of same are respectfully requested.

*Conclusion*

In conclusion, Applicant respectfully submits that the application as a whole, including all of claims 1-10 and 12-19, is now in *prima facie* condition for allowance, and reconsideration and allowance of the application are respectfully solicited.

Should anything further be required, a telephone call to the undersigned at (312) 456-8400 is respectfully solicited.

Respectfully submitted,

Dated: July 29, 2004

  
Brad R. Bertoglio

Appln. No. 09/821,223  
Amendment and Communication  
Response to Office Action of January 30, 2004

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this Amendment and Communication is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Dated: July 29, 2004

  
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Brad R. Bertoglio

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